

01-24-02

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. SJ-01-0022

First Inventor or Application Identifier: Atkinson

Title of Invention: **Diagnostic Assay for  
Antibiotic Tolerance**

Express Mail Label No. EL321868735US

JC698 U.S. PRO  
10/054225  
11/13/01

ADDRESS TO: **BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231**



28258

PATENT TRADEMARK OFFICE

Transmitted herewith for filing in the United State Patent Office is a patent application for:

Inventors:

Assignee of this invention is St. Jude Children's Research Hospital, Inc.

1. ☒ The Filing Fee has been calculated as shown below:
2. ☒ Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Rate	Small Entity Fee 0
BASIC FEE				\$370.00
TOTAL CLAIMS:	16 - 20 =	0		X 9 = \$0
INDEP CLAIMS:	4 - 3 =	1		X 40 = \$40
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED				+135 = \$0
* If the difference in Column 1 is less than zero, enter "0" in Column 2.				TOTAL \$ 410.00

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 501968.

- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees requested under 37 CFR 1.17 (National application processing fees).
3. ☒ Specification; 22 Total Pages, including 4 pages of claims and a 1 page abstract
4. ☐ 0 Sheets of Formal Drawing(s) (35 USC 113)
5. ☒ Declaration and Power of Attorney; [Total Pages 2]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 16.3(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary):
- a. ☒ Computer Readable Copy (CRF)
  - b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05
  - c. ☒ Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ Paper (4 Pages)
  - d. ☒ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8. ☒ Assignment Papers (cover sheet & document(s)) (including a check for the \$40.00 fee)
9. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
10. ☒ Request for Early Publication Under 37 CFR 1.219 or its equivalent.

11. **CORRESPONDENCE ADDRESS** **CUSTOMER NUMBER 28258**

Signature:

Attorney/Agent of Record: James Scott Elmer

Attorney/Agent Registration No. 36,129

St. Jude Children's Research Hospital

332 N. Lauderdale

Memphis, TN 38105

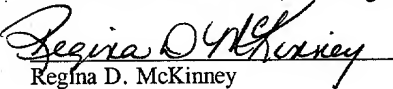
Tel (901) 495-2342

Fax (901) 495-3148

"Express Mail" mailing label number EL321868735US

Date of Deposit: **November 13, 2001**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, DC 20231

  
Regina D. McKinney



28258

PATENT TRADEMARK OFFICE

PATENT  
SJ-01-0022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ROBYN M. ATKINSON *ET AL.*

SERIAL NO. : UNASSIGNED EXAMINER : UNKNOWN

FILED : HEREWITH ARE UNIT : UNKNOWN

FOR : DIAGNOSTIC ASSAY FOR ANTIBIOTIC TOLERANCE

EXPRESS MIAL "MAILING LABEL NO." : EL321868735US  
DATE OF DEPOSIT : November 13, 2001

**STATEMENT IN SUPPORT OF THE FILING/SUBMISSION OF A**  
**NUCLEOTIDE/AMINO ACID SEQUENCE LISTING IN**  
**ACCORDANCE WITH 37 CFR § 1.821 - 1.825**

ASSISTANT COMMISSIONER FOR PATENT  
WASHINGTON, D.C. 20231

Dear Sir:

JAMES SCOTT ELMER, attorney of record, hereby states as follows:

I hereby state that the content of the paper and computer readable copies of the Sequence Listing submitted herewith for the referenced application in accordance with 37 CFR § 1.821(c) and (e), respectively, are the same.

DATED: 13 Nov. 2001

  
JAMES SCOTT ELMER  
Registration No.: 36,129

1054235-1101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Atkinson *et al*  
Appln. No.: To be assigned  
Filed: Herewith  
For: Diagnostic Assay for Antibiotic Tolerance



28258  
PATENT TRADEMARK OFFICE

Date: November 13, 2001

Box Patent Application  
Commissioner for Patents  
Washington, DC 20231

**REQUEST FOR EARLY PUBLICATION  
UNDER 37 C.F.R. § 1.219**

Sir:

Applicant hereby requests early publication of this patent application under 37 C.F.R. § 1.219. Please charge the fee of \$300.00 under 37 C.F.R. § 1.18 to deposit account no. 501968. Any deficiency may be charged to deposit account 501968.

Respectfully submitted,

James Scott Elmer  
Registration No. 36,129

**Customer No. 28258**  
**St. Jude Children's Research Hospital**  
332 N. Lauderdale, Mailstop 277  
Memphis, TN 38105  
Tel (901) 495-2342  
Fax (901) 495-3148

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number EL321868735US  
Date of Deposit November 13, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, DC 20231

  
Regina D. McKinney



St. Jude Children's  
Research Hospital

ALSAC • Danny Thomas, Founder

OFFICE OF TECHNOLOGY LICENSING

PHONE: 901-495-2342  
FAX: 901-495-3148



28258

PATENT TRADEMARK OFFICE

November 13, 2001

Commissioner for Patents  
Washington, D.C. 20231

**Box Patent Application**

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
Appl. No. To be assigned; Filed: Herewith (November 13, 2001)  
For: Diagnostic Assay for Antibiotic Tolerance  
Inventors: Atkinson and Tuomanen  
Our Ref: SJ-01-0022

Sir:

The following documents are forwarded herewith for appropriate action by the  
U.S. Patent and Trademark Office:

1. PTO Utility Patent Application Transmittal (*in duplicate; 2 pages each, 4 pages total*);
2. U.S. Utility Patent Application entitled:

**Diagnostic Assay for Antibiotic Tolerance**

and naming as inventors:

Robyn M. Atkinson, and  
Elaine I. Tuomanen

the application consisting of:

- a. A specification totaling 22 pages containing:
  - i. 17 pages of description prior to the claims;
  - ii. 4 pages of claims (16 claims); and
  - iii. a one (1) page abstract.

FOR THE "SECRET"

4. Request for Early Publication under 37 C.F.R. § 1.219 (1 page);
5. Verified Statement Claiming Small Entity Status (2 pages);
6. Sequence Listing in computer readable (3.5 inch computer disc) and paper (4 pages) form along with a statement verifying the identity of both forms (1 page).
7. Executed Declaration and Power of Attorney for Patent Application (2 pages);
8. Executed Assignment and recordation cover sheet (4 pages);
9. Express Mail Label No. EL321868735US; and
10. Two (2) self-addressed and stamped return postcards.

Please charge Deposit Account No. 501968 a total of \$775.00 to cover:

\$410.00	Small Entity fees under 37 C.F.R. §1.16(a) and (b) for filing a utility patent application with excess independent claims;
\$300.00	Fee under 37 C.F.R. §1.18(d) for Early Publication Request
\$40.00	Assignment recordation fee under 37 C.F.R. §1.21(h).

The Commissioner is hereby authorized to charge any additional payment required by this submission, or credit any overpayment, to Deposit Account No. 501968.

Regards,



J. Scott Elmer  
Reg. No. 36,129  
Director, Office of  
Technology Licensing

JSE:rdm

Enclosures

100545-11101  
FOET-2345001